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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,099	11/26/2001	Edward W. Kettler III	014208.1465	2509
35005	7590	12/29/2005	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE, 6TH FLOOR DALLAS, TX 75201			HIRL, JOSEPH P	
			ART UNIT	PAPER NUMBER
			2129	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/996,099

**Applicant(s)**

KETTLER ET AL.

**Examiner**

Joseph P. Hirl

**Art Unit**

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered November 10, 2005 for the patent application 09/996,099 filed on November 26, 2001.
2. The First Office Action of August 10, 2005 is fully incorporated into this Final Office Action by reference.

### *Status of Claims*

3. Claims 1-18 are pending in this application.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al (U.S. Pub 2001/0051996, referred to as **Cooper**).

### ***Claims 1, 10***

Cooper anticipates a processor (**Cooper**, Fig. 2; p 0059; Examiner's Note (EN): content distribution system includes one or more servers, all of which have processors and memories); a database coupled to the processor, the database operable to receive

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and store the data protection rules and to receive and store a plurality of permissions generated by a data owner (**Cooper**, p 0059; p 0065); a memory coupled to the processor (**Cooper**, Fig. 2; p 0059); an authorization management tool residing in the memory and executable by the processor (**Cooper**, p 0059; p 0065), the authorization management tool operable to: accept a query from a data requester, the query related to a particular set of data (**Cooper**, p 0095); access the database to validate that a permission exists for the data requester (**Cooper**, p 0095; p 0059); access the data protection rules in the database to validate that the particular set of data may be accessed by the data requester (**Cooper**, p 0095; p 0059); and generate a response to the query (**Cooper**, p 0095).

***Claims 2, 11***

Cooper anticipates the authorization management tool is further operable to store identifying information about the data requester in the database (**Cooper**, p 0064).

***Claims 3, 12***

Cooper anticipates the authorization management tool is further operable to store a query result in the database, the query result related to whether the response was generated (**Cooper**, p 0065 to p 0070).

***Claims 4, 13, 7, 16***

Cooper anticipates comprising a user acceptance tool residing in the memory and executable by the processor (**Cooper**, p 0059; p 0125), the user acceptance tool operable to: query a user about a user preference with respect to the data protection

Rules (**Cooper**, p 0126); accept the user preference (**Cooper**, p 0126); and store the user preference in the database (**Cooper**, Fig. 2; p 0063; p 0125; p 0126).

***Claims 5, 14, 8, 17, 9, 18***

Cooper anticipates the authorization management tool is further operable to access one or more user preferences in the database to validate that the particular set of data may be accessed by the data requester (**Cooper**, p 0059; p 0095: EN: Cooper at p 0065 addresses corporate entities and p 0095 addresses validation check).

***Claims 6, 15***

Cooper anticipates a state change tool residing in the memory and executable by the processor (**Cooper**, p 0059; p 0095; Examiner's Note (EN): change of state refers to conditions such as the validation of digital certificate), the state change tool operable to: receive a state change of an entity (**Cooper**, p 0059; p 0095; EN: to be established by the Transaction Module 210); compare the state change to the data protection rules stored in the database (**Cooper**, p 0059; p 0095); determine whether the state change complies with the data protection rules (**Cooper**, p 0095); and update the database with the state change (**Cooper**, p 0129).

***Response to Arguments***

6. Applicant's arguments filed on November 10, 2005 related to Claims 1-18 have been fully considered but are not persuasive.

In reference to Applicant's argument:

For example, the cited portions of Cooper do not disclose, teach, or suggest "a database ... operable to receive and store the data protection rules and to receive and store a plurality of permissions generated by a data owner," as recited in Claim 1. The portions of Cooper cited with respect to these limitations of

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Claim 1 merely disclose a content distribution system site 200 that may include an interface module 250, which can provide a user interface across different user devices 115. (See Office Action at 2-3; Cooper, ¶ 0059) Furthermore, the cited portions disclose a Certification Authority 260, which is an entity that will issue, validate, revoke, and otherwise manage the digital certificates for the content distribution system 200. (See Office Action at 2-3; Cooper, ¶ 0065) (providing examples of the entity such as a large and well-known corporation that has established itself as being a trusted authority in the industry)

Applicants assume the Examiner is relying primarily on the disclosure in Cooper of digital certificates. Even assuming for the sake of argument that the digital certificates disclosed in Cooper could be equated with one of "the data protection rules" or "a plurality of permissions," as recited in Claim 1 (which Applicants do not concede is even possible), the cited portions of Cooper would still fail to disclose, teach, or suggest a database operable to receive and store both "the data protection rules" and "a plurality of permissions," as recited in Claim 1.

Examiner's response:

¶ 10. applies. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Site 200 contains databases and databases operate to receive and store data ... Certificate Authority refers to the entity that will issue, validate, and otherwise manage the digital certificates for the distribution system. First Office Action applies.

In reference to Applicant's argument:

As another example, the cited portions of Cooper do not disclose, teach, or suggest an authorization management tool operable to "access the database to validate that a permission exists for the data requester" and "access the data protection rules in the database to validate that the particular set of data may be accessed by the data requester," as recited in Claim 1. The portions of Cooper cited with respect to these limitations of Claim 1 disclose a content distribution system site 200 that may include an interface module 250, which can provide a user interface across different user devices 115. (See Office Action at 3; Cooper, ¶ 0059) The cited portions of Cooper also disclose a Copyright Registry System 234. (See Office Action at 3; Cooper, ¶ 0095) A consumer may use a user device 115 to log on to Copyright Registry System 234 (e.g., by accessing a web page), and a check is made to determine if the consumer has a valid digital certificate or private key/public key pair. (Id.) If not, or if they are out of date, then Copyright Registry System 234 may prompt the user as necessary to obtain a new and valid X.509 digital certificate/private public key pair. (Id.)

Even assuming for the sake of argument only that the validation of the digital certificate of the user, as disclosed in the cited portion of Cooper, could be equated with one of "access[ing] the database to validate that a permission exists for the data requester" and "access[ing] the data protection rules in the database to validate that the particular set of data may be accessed by the data requester," as recited in Claim 1 (which Applicants do not concede is even possible), the cited portions of Cooper would still fail to disclose, teach, or suggest an authorization management tool operable to both "access the database to validate that a permission exists for the data requester" and "access the data protection rules in the

database to validate that the particular set of data may be accessed by the data requester," as recited in Claim 1.

Examiner's response:

¶ 10. applies. **The Examiner has full latitude to interpret each claim in the broadest reasonable sense.** Applicant's above arguments are fully encapsulated within the cited prior art of the First Office Action. Content Distribution System has databases and a transaction module that access the database to validate that a permission exists for the data requester and access the data protection rules in the database to validate that the particular set of data may be accessed by the data requester (Cooper @ Fig. 2; ¶ 0126).

### ***Examination Considerations***

7. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

8. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

9. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

10. Examiner's Opinion: ¶¶ 7. - 9. applies. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Claims 1-18 are rejected.

***Correspondence Information***

13. Any inquiry concerning this information or related to the subject disclosure should be directed to the Primary Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David R. Vincent can be reached at (571) 272-3080.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

Art Unit: 2129

401 Dulany Street,

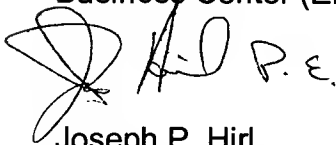
Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 273-8300 (for formal communications intended for entry.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read "J. P. Hirl", is written over the printed name.

Joseph P. Hirl  
Primary Examiner  
December 22, 2005